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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,585	08/29/2000	Iwao Inagaki	JP9-1999-0175US	1014

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IBM CORPORATION
3039 CORNWALLIS RD.
DEPT. T81 / B503, PO BOX 12195
REASEARCH TRIANGLE PARK, NC 27709

EXAMINER

BLAIR, DOUGLAS B

ART UNIT PAPER NUMBER

2142

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/651,585

Applicant(s)

INAGAKI ET AL

Examiner

Douglas B. Blair

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on 3/28/2005, PROSECUTION IS HEREBY REOPENED. New rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 4, 6, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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4. Claim 3 recites the limitation "the termination process" in the second limitation of the claim. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 3 recites the limitation "the starting process" in the third limitation of the claim. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 4 recites the limitation "the last accessed object" in the second and third lines of the claim. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 6 recites the limitation "the function" in the first and second lines of the claim. There is insufficient antecedent basis for this limitation in the claim.
8. Regarding claim 6, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).
9. Regarding claim 11, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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11. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,363,434 to Eytchison.

12. As to claim 1, Eytchison teaches a client server system using distributed objects, comprising: a client connected to a communication network for performing an access request to an object (col. 6, line 64-col. 7, line 11); an application server for performing an application by an actual object according to the access request by said client (col. 6, line 64-col. 7, line 11, the proxies on the home server the application); and an object pool server connected to said client through said communication network and connected to said application server for pooling a proxy object corresponding to said actual object and for holding actual object management information that is part of said actual object (col. 7, lines 20-29, the resource manager pools representations of the proxy devices), wherein said application server notifies said object pool server of an event according to a change in status of said application, and said object pool server automatically updates said actual object management information according to the notification of said event from said application server (col. 7, lines 20-28).

13. As to claim 2, Eytchison teaches the client server system as set forth in claim 1, wherein the event notified from said application server is formed according to at least one of the result of a process of starting a project and the result of stopping a project (col. 7, lines 12-20).

14. As to claim 3, Eytchison teaches an object pool using distributed objects, comprising: a client request analyzing unit for analyzing an access request to an object (col. 7, lines 12-28); an object information storage unit for storing an object information at a termination process of said object pool (col. 7, lines 12-28); an object creating unit for creating an object at the starting process of said object pool according to said object information sorted by said object information

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storage unit; and an object managing unit for pooling the object created by said object creating unit before accessing said object from said client (col. 7, lines 12-28).

15. As to claim 4, Eytchison teaches an object pool as set forth in claim 3, wherein the object information stored by said object information storage unit is constructed so that it can be at least recognized to be the last accessed object, and said object creating unit starts creation from said last accessed object (col. 7, lines 12-28).

16. As to claims 5, 10, and 12, they feature the same limitations as claim 1 and are rejected for the same reasons as claim 1.

17. As to claim 6, Eytchison teaches the client server system as set forth in claim 5, wherein an object pool server having the function of said object pool and an application server in said application execution environment are connected to each other through a network, said object pool server objects as proxy objects (col. 7, lines 12-28).

18. As to claim 7, Eytchison teaches the client server system as set forth in claim 5, wherein said object pool and said application execution environment are formed on the same server (col. 6, line 64-col. 7, line 11, the home server).

19. As to claims 8, 11, and 13, they feature the same limitations as claim 3 and are rejected for the same reasons as claim 3.

20. As to claim 9, Eytchison teaches the object pooling method of claim 8, wherein said object information is stored with a predetermined priority, and said objects are created in descending order with respect to said priority (col. 9, lines 40-56).

21. As to claim 14, Eytchison teaches a program sending apparatus, comprising: a storage unit for storing a software product which makes a computer execute an event forming program

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for forming an event according to a change in status of an application utilizing distributed objects, and an object pooling program for pooling objects according to the event formed by said event forming process (col. 7, lines 12-28); and a sending unit for reading out said program from said storage unit, and sending said software product (col. 7, lines 12-28).

22. As to claim 15, it features the same limitations as claim 14 and is rejected for the same reasons as claim 14.


Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair
DBB


ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER